

Message Text

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ACTION STR-07

INFO OCT-01 EUR-12 IO-13 ISO-00 STRE-00 AGRE-00 CEA-01
CIAE-00 COME-00 DODE-00 EB-08 FRB-03 H-01 INR-07
INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01 CTME-00
AID-05 SS-15 ITC-01 TRSE-00 USIA-06 PRS-01 SP-02
SOE-02 OMB-01 DOE-11 /115 W
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TO SECSTATE WASHDC PRIORITY 5305
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USMTN USEEC

STR FOR ACTION

STR PASS CODEL

E.O. 11652: N/A
TAGS: MTN, ETRD, EEC
SUBJECT: MTN: ADDITIONAL REACTIONS TO EC PROPOSAL ON
LEVELS OF OBLIGATIONS IN DRAFT STANDARDS CODE

REF: (A) GENEVA 122; (B) 77 STATE 311067;
(C) 77 GENEVA 12609

1. US MTN INFORMALLY CONTACTED THE NORDIC (STALBERG)
AND JAPANESE (TAMORI) REPRESENTATIVES FOR THEIR
REACTION TO THE EC PROPOSAL ON LEVELS OF OBLIGATION IN
THE DRAFT STANDARDS CODE (REF (C)).

2. ALTHOUGH THE NORDICS HAVE NO OFFICIAL POSITION YET
ON THE EC PROPOSAL, STALBERG (SWEDEN) OFFERED SOME PRE-
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LIMINARY OBSERVATIONS. STALBERG SAID HE WAS ANTICIPATING
A MORE FAR-REACHING PROPOSAL TO SIMPLIFY THE DRAFT CODE
THAN EVIDENCED IN THE EC'S PAPER. WHILE A FAR RANGING
PROPOSAL MAY HAVE BEEN AN INITIAL EC OBJECTIVE, THE
EC CONCEDED TO STALBERG THAT THIS WAS NOT POSSIBLE WITH-
OUT RUNNING INTO THE CONSTITUTIONAL PROBLEMS OF FEDERAL
GOVERNMENTS WITH THEIR LOCAL GOVERNMENT ENTITIES. AFTER

NOTING THAT THE EC PROPOSAL ENCOMPASSES OBLIGATIONS VIS-A-VIS PRIVATE STANDARDS ORGANIZATIONS AS WELL AS LOCAL GOVERNMENT BODIES, STALBERG COULD NOT SAY WHETHER THE NORDIC GOVERNMENTS COULD ASSUME SUCH AN OBLIGATION WITH RESPECT TO PRIVATE ORGANIZATIONS. ALTHOUGH HE HAD BEEN SKEPTICAL AS TO WHETHER THE EC MEMBER STATES COULD ASSUME SUCH AN OBLIGATION VIS-A-VIS PRIVATE STANDARDS ORGANIZATIONS, STALBERG NOW BELIEVES, BASED UPON CONVERSATIONS WITH PRIVATE STANDARDS ORGANIZATION OFFICIALS IN EC MEMBER STATES, THAT THE MEMBER STATES ARE IN A POSITION TO GO ALONG WITH THE EC'S PROPOSAL. HE AGREED WITH THE U.S. INTERPRETATION ON THE IMPORTANCE THE EC PROPOSAL CONFERS ON THE DISPUTE SETTLEMENT MECHANISM, ESPECIALLY SINCE THE PROPOSAL WOULD GIVE A MEASURE BY WHICH TO JUDGE WHETHER "BEST ENDEAVORS" HAD BEEN UTILIZED.

3. JAPANESE DEL (TAMORI) SHARED THE U.S. OBSERVATION THAT THE EC PROPOSAL IS INCOMPLETE WITHOUT THE INCLUSION OF A DETAILED SETTLEMENT MECHANISM. TAMORI ADMITTED, HOWEVER, THAT THE EC PROPOSAL IS SIMILAR "IN NATURE" TO THE JAPANESE PROPOSAL WHICH WOULD IMPOSE A FIRST LEVEL OF OBLIGATION ON LOCAL GOVERNMENTS STANDARDS ACTIVITIES. THE EC PROPOSAL, HOWEVER, GOES ONE STEP BEYOND THE JAPANESE PROPOSAL BY COVERING ACTIVITIES OF PRIVATE STANDARDS ORGANIZATIONS. WHILE THIS SIMILARITY MAKES IT DIFFICULT FOR THE JAPANESE TO CRITICIZE THE CONCEPT LIMITED OFFICIAL USE

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OF THE EC PROPOSAL, TAMORI ENVISIONED DIFFICULTIES IN GOING ALONG WITH THE FIRST LEVEL OF OBLIGATION WITH REGARD TO PRIVATE SECTOR ACTIVITIES.

4. TAMORI SUGGESTED THAT THE EC BE ASKED TO SUBMIT A DRAFT LEGAL TEXT OF THEIR PROPOSAL SO THAT THE IMPLICATIONS FOR THE DRAFT STANDARDS CODE COULD BE MORE CLEARLY ASCERTAINED. IN CLOSING, TAMORI OPINED THAT THIS ISSUE IS PROBABLY ONE OF THOSE TO BE SETTLED AT THE END OF THE DAY WHEN OVERALL BALANCE OF THE NEGOTIATIONS IS CONSIDERED.

5. DRAFTED BY WALLAR. MCDONALD

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NNN

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